REMARKS

I. Introduction

Claims 1-6; 8-10 and 12-31 are pending in the above application.

Claims 25-31 stand rejected under 35 U.S.C. § 101 as being allegedly directed towards non-statutory subject matter.

Claims 1, 8 and 16 stand rejected under 35 U.S.C. § 112 ¶ 2 as allegedly being indefinite.

Claims 1-6, 8-10, 12-15 and 21-30 stand rejected under 35 U.S.C. § 102 as being anticipated.

Claims 16-20 stand rejected under 35 U.S.C. § 103 as being unpatentable.

Claims 1, 8, 12, 16, 21 and 25 are independent claims.

II. Amendments

Claims 7 and 11 have been canceled without prejudice or disclaimer.

Claims 1, 6, 8, 12, 16, 21, and 25-31 have been amended to more particularly claim that which Applicant regards as the invention therein.

No new matter has been added.

III. Rejection Under 35 U.S.C. § 101

Claims 25-31 stand rejected under 35 U.S.C. § 101 as being allegedly directed towards non-statutory subject matter. Claims 25-31 have been amended to recite a computer readable medium having computer program instructions. The above amendments are believed to be within the spirit of the amendments suggested by the Examiner and consistent with conventional

computer readable medium claim language. Accordingly, the rejection is believed to be moot. Accordingly, Applicant respectfully requests the rejection to be withdrawn.

IV. Rejection Under 35 U.S.C. § 112 ¶ 2.

Claims 1, 8 and 16 stand rejected under 35 U.S.C. § 112 ¶ 2 as allegedly being indefinite for containing the phrase "the appropriate USB driver." Each of the above claims have been amended and no longer include this language. Accordingly, the rejection is believed to be moot. Accordingly, Applicant respectfully requests the rejection to be withdrawn.

V. Prior Art Rejections

A. Claims 1-6, 8-10, 12-15 and 21-30 stand rejected under 35 U.S.C. § 102 as being anticipated by Katz (U.S. Pub. 2002/0065950).

Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference as arranged in the claim. See, *IPXL Holdings, L.L.C. v. Amazon.com, Inc.*, 430 F.3d 1377, 1380 (Fed. Cir. June 2006) ("a claim is anticipated under 35 U.S.C. § 102 'if each and every limitation is found either expressly or inherently in a single prior art reference'" citing, *Bristol-Myers Squibb Co. v. Ben Venue Labs, Inc.*, 246 F.3d 1368, 1374 (Fed. Cir. 2001). See also, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986); *Connell v. Sears, Roebuck & Co.*, 220 USPQ 193, 198 (Fed. Cir. 1983).

Katz does not disclose or suggest providing USB device support in an interactive system, by determining USB device information of a USB device; communicating the USB device information to a USB server; and receiving a driver functionality message at the home gateway comprising instructions or information associated with the USB device, whereby the home

gateway supports the USB device without containing a USB driver capable of supporting the USB device, as substantially recited by each of amended claims 1, 8, 12, 21 and 25.

Katz disclose set top boxes which contain their own USB drivers. If the STB is unable to support a USB application, a new USB driver is downloaded from a network. See, Figs. 5, 7; ¶ 82. Katz does not disclose to communicate a driver functionality message comprising instructions or information associated with the USB device, thereby enabling the home gateway device to support the USB device without containing a USB driver capable of supporting the USB device. In short, while Katz provides a STB with sufficient processing capability to operate and receive various USB drivers, the arrangement in the present invention relies on a communication channel to extend the USB interface back to a headend server which contains more processing capability and avoids the need to develop specialized software for USB devices connected to the STB.

Accordingly, as Katz does not disclose each and every limitation of amended claims 1, 8, 12, 21 nor 25, Katz does not anticipate these claims. Likewise, claims 2-6, 9-10, 13-15, 22-24 and 26-31, which depend on claims 1, 8, 12, 21 and 25, respectively, and contain the limitations thereof, are also not anticipated.

B. Claims 16-20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Katz in view of Perlman (U.S. Pat. 6,269,481).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fulton*, 391 F.3d 1195, 1199-02 (Fed. Cir.

2004). *Ecolochem Inc. v. Southern California Edison Co.*, 227 F.3rd 1361, 56 U.S.P.Q.2d (BNA) 1065 (Fed. Cir. 2000); *In re Kotzab*, 217 F.3d 1365, 1369 (Fed. Cir. 2000); *In re Dembiczak*, 175 F.3d 994, 999, 50 U.S.P.Q.2D (BNA) 1614, 1617 (Fed. Cir. 1999); *In re Jones*, 958 F.2d 347, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992); and *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). See also MPEP 2143.01, 2143.03 ("To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art") (citations omitted).

Neither Katz nor Perlman, taken alone or in combination, disclose or suggest an apparatus for providing USB driver functionality to a USB device coupled to a home gateway device in an interactive system, in which said apparatus receives USB device information; determines the appropriate USB driver for the USB device; and communicates a driver functionality message comprising instructions or information associated with the USB device, thereby enabling the home gateway device to support the USB device without containing a USB driver capable of supporting the USB device, as recited by amended claim 16. Katz does not disclose such as discussed above. Perlman also does not disclose such, and the Examiner does not rely on Perlman as disclosing such. Perlman also is directed toward downloading device drivers from a server to a client.

Accordingly, as neither Katz nor Perlaman, taken alone or in combination disclose or suggest all of the claimed limitations, the combination of Katz and Perlman does not render claim 16 unpatentable. Likewise, claims 17-20 which depend on claim 16 and include all of the limitations thereof, are also not rendered unpatentable.

VI. Conclusion

Having fully responded to the Office action, the application is believed to be in condition for allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

Respectfully submitted,

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